



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 2
290 BROADWAY
NEW YORK, NY 10007-1866

NOV 26 2013

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Article Number: 7005 3110 0000 5967 7056

**Mr. James Roberts, P.E.
Assistant Commissioner
Bureau of Water and Sewer Operations
New York City Department of Environmental Protection
96-05 Horace Harding Expressway, 2nd Floor
Corona, New York 11368**

**Re: Request for Information Pursuant to Section 308 of the Clean Water Act
(33 U.S.C. § 1318)
Docket No. CWA-IR-14-008
SDPES Permit Nos. NY0026131, NY0026247, NY0026191, NY0026204, NY0026212,
NY0026182, NY0027073, NY0026166, NY0026239, NY0026115, NY0026158,
NY0026221, NY0026107, NY0026174**

Dear Mr. Roberts:

This letter concerns discharges of pollutants into waters of the United States from facilities associated with the New York City Department of Environmental Protection ("NYCDEP").

Section 301 of the Federal Clean Water Act ("CWA"), 33 U.S.C. § 1251, *et seq.*, prohibits the discharge of pollutants into waters of the United States except as authorized by a permit issued pursuant to Section 402 of the Act, 33 U.S.C. § 1342. Each discharge of pollutants from a point source that is not authorized by such a permit constitutes a violation of Section 301(a) of the Act, 33 U.S.C. § 1311(a).

This letter and the enclosures are a request for information issued pursuant to Section 308(a) of the CWA, 33 U.S.C. 1318(a). Section 308 of the Act authorizes the Administrator of Environmental Protection Agency ("EPA") to require those subject to the Act to furnish information, conduct monitoring, provide entry to the Administrator or authorized representatives and make reports as may be necessary to carry out the objectives of the Act. The enclosures, which are hereby made part of this letter, details the information NYCDEP must provide to EPA relating to its wastewater collection system and its treatment plants.

Section 308(a) of the Act, 33 U.S.C. § 1318(a) authorizes EPA to require any person to provide information required to carry out the objectives of the Act including to determine whether there has been a violation of the CWA. Accordingly, you are requested to respond to the enclosed Information Request (Enclosure 1). Please read the instructions and definitions in the enclosure carefully before preparing your response. Answer each question as clearly and completely as possible. To the extent that NYCDEP has any of the requested data currently on file, that data may

be submitted in the requested format as part of your response. Your response to this request must be accompanied by a certificate that is signed and dated by you or the person who is authorized by you to respond to the request. The certification must state that the response is complete and contains all information and documentation available to you pursuant to the request. A Statement of Certification is enclosed with this letter (Enclosure 2).

Please submit your written responses in accordance with the deadlines set forth in the request to:

Loren Denton, Chief
Municipal Enforcement Branch
Office of Civil Enforcement
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue NW (Room 3111B)
Washington, DC 20460
Email: denton.loren@epa.gov
Telephone: (202) 564-1148
Fax: (202) 564-0011

Doughlas McKenna, Chief
Water Compliance Branch
Division of Enforcement and Compliance Assistance
290 Broadway, 20th Floor
New York, NY 10007
Email: mckenna.douglas@epa.gov
Telephone: (212) 637-4244
Fax: (212) 637-3953

Although the information requested must be submitted to EPA, you are entitled to assert a business confidentiality claim pursuant to the regulations set forth in 40 C.F.R. Part 2, Subpart B. If EPA determines the information you have designated meets the criteria in 40 C.F.R. § 2.208, the information will be disclosed only to the extent and by means of the procedures specified in Subpart B. Unless a confidentiality claim is asserted at the time the requested information is submitted, EPA may make the information available to the public without further notice to you.

Compliance with the provisions of this letter is mandatory. If you do not respond fully and truthfully to this Information Request or adequately justify your failure to do so, you may be subject to civil penalties or criminal fines under Section 309 of the Act, 33 U.S.C. § 1319, under which injunctive relief and penalties may be sought. Such an enforcement action may include the assessment of penalties of up to \$37,500 per violation, for each day of continued non-compliance.

We appreciate your cooperation and prompt attention to this matter. If you or your staff would like an opportunity to confer, have any questions, or would like to schedule a meeting relating to this information request, please contact **Loren Denton** via phone or email at (202) 564-1148 or denton.loren@epa.gov. Thank you for your cooperation in this matter.

Sincerely,



for Douglas McKenna, Chief
Water Compliance Branch
USEPA Region 2

cc: Joe Dimura, Director, Bureau of Water Compliance, NYSDEC
Carrie Noteboom, NYC Law Department via email

Enclosures

- (1) Information Request
- (2) Statement of Certification

Enclosure 1

INFORMATION REQUEST

This information is requested pursuant to Section 308 of the Clean Water Act (CWA), 33 U.S.C. § 1318.

I. Instructions

Please provide a separate narrative response to each and every question and subpart of a question set forth in this Information Request. Precede each answer with the text and the number of the question and its subpart to which the answer corresponds.

Any documents relied upon or used by you to answer any of the questions in the request must be copied and submitted to the Environmental Protection Agency (EPA) with your response. All documents must contain a notation indicating the question and subpart of the question to which they are responsive.

If any question cannot be answered in full, answer to the extent possible along with an explanation of why the question cannot be answered in full. If your responses are qualified in any manner, please explain.

All information must be provided in the format requested **no later than December 5, 2013**. If information or documents not known or not available to you as of the date of submission of your response to this request should later become known or available to you, you must supplement your response to EPA within five (5) business days. Moreover, should you find, at any time after the submission of your response, that any portion of the submitted information is false or misrepresents the truth, you must notify EPA of this fact immediately and provide a corrected response within two (2) business days.

The Statement of Certification found in Enclosure 2 must be submitted along with your responses every time a submission is made pursuant to this information request. This statement must be signed by the Assistant Commissioner, Bureau of Water and Sewer Operations or equivalent.

All information should be submitted and sent on appropriate media. Mail one complete copy to each individual identified below:

Loren Denton, Chief
Municipal Enforcement Branch
Office of Civil Enforcement
U.S. Environmental Protection Agency.
Office of Civil Enforcement
1200 Pennsylvania Avenue NW (Room 3111B)
Washington, DC 20460
denton.loren@epa.gov
(202) 564-1148

Douglas McKenna, P.E., Chief
Water Compliance Branch
Division of Enforcement and Compliance Assistance
290 Broadway, 20th Floor
New York, NY 10007
mckenna.douglas@epa.gov

Word processing documents are to be submitted in Microsoft ("MS") Word or PDF, and all spreadsheets are to be submitted as MS Excel spreadsheets.

All records and documents that were created and/or relied upon in responding to any part of this request must be maintained until EPA informs you that maintenance is no longer required.

II. Definitions

All terms used in this request which are not defined below shall be defined as they are defined at 33 U.S.C. § 1362 and 40 CFR § 122.2. Unless otherwise indicated, the following definitions shall apply strictly for the purposes of this request for information:

1. "Document" is defined as any writings, drawings, graphs, charts, photographs, phone records, electronic mail, facsimile, and other data compilations from which information can be obtained, translated if necessary, through detection devices into reasonably usable form. Documents should be produced as they are kept in the usual course of business.
2. "HANSEN Database" refers to the computerized maintenance management system used by the Bureau of Sewer Operations ("BWSO") to, among other things, manage work orders and Notification of Required Sewer Reconstruction records that identify as among the causes of the sewage releases from the sewer collection systems, *inter alia*, cracks and breaks in the sewer pipes, root intrusion, collapsed pipes, grease and sedimentation found in sewer line.
3. "Record" is defined as any recording of information in tangible form. It includes, but is not limited to, in print or electronic form, documents, memoranda, reports, files, letters, maps, graphs, charts, log books, notes, electronic mail, computer print outs, and computer data bases.
4. "Sanitary sewer overflow" or "SSO" is defined as any discharge from the sanitary sewer system prior to reaching the wastewater treatment plant, including Sewer Backups (*i.e.*, publically owned treatment works).
5. "Sewer Backup" shall mean any backup caused by failure on the part of NYCDEP's Sewer System, as opposed to a problem in the resident's sewer line, that is indicated in the HANSEN Database as "SBU Resolved." The HANSEN Database identifies these sewer backups as having been resolved by NYCDEP.

III. Information to be Provided

NYCDEP shall prepare the following information as described under each category.

1. On November 7, 2013, EPA alerted the NYCDEP via electronic mail ("email") that it would be carrying out a focused inspection to collect additional data on programs relevant to the operations and maintenance of its sewers. In the email, EPA asked NYCDEP to provide the following information:

- a. Remote Sewer Monitoring Pilot Program ("Program") described in NYCDEP's August 14, 2013 Press Release (Attached):

- i. Maps with locations of all monitors in the Program;
- ii. Any existing documents pertaining to the Program, including but not limited to planning documents, standard operating procedures, reports on implementation, and data detailing how the Program will and/or has addressed sewer backups or overflows;
- iii. An explanation of how the locations of sensors were selected and how they are used, if this information is not included in the existing documents requested in 1.a.ii;
- iv. Dates of when the program was initiated and when each of the existing sensors became active;
- v. Records of NYCDEP's responses to the 129 device alerts referenced in NYCDEP's August 14, 2013, press release, as well as any other alerts since those 129 incidents;
- vi. A detailed description and timeline of any plans for expanding the program beyond its present scope;
- vii. Information on flow meters that NYCDEP installed in the bottom of the sewers including locations and how this data is used to track backups or sanitary sewer overflows; and
- viii. Any additional documentation to support the statistics set forth in the August 14, 2013, press release other than information contained in the 2013 State of the Sewer report.

- b. EPA requested in its November 7, 2013 email the Updated HANSEN Database and other updates. EPA also requested information on any changes to the SBU Operations and Analysis Program ("SOAP"), Draft Sewer System Management Plan, and any other additional NYCDEP efforts or plans to address backups and overflows that have been

initiated since April 2013, when NYCDEP last described to EPA their approaches on these issues.

2. NYCDEP provided an initial response via email from Carrie Noteboom on Friday, November 8, 2013, and additional materials and responses during the inspection, conducted on November 21, 2013. NYCDEP committed to provide additional information on the activation date of sewer monitors and subsequent sewer monitor device alerts on November 22, 2013. This information was provided during the November 21, 2013, inspection or along with the November 8, 2013, email. NYCDEP committed to provide its updated Hansen Database with the same codes previously submitted to EPA for the period October 1, 2012 to October 31, 2013 on December 5, 2013. EPA requests the following:
 - a. NYCDEP provide any additional responsive information that was not produced in the November 8, 2013, email; and
 - b. NYCDEP provide any additional responsive information that was not produced during the November 21, 2013, inspection.
 - c. Where NYCDEP determines that all relevant information was produced either in the November 8, 2013, email or during the inspection, they may respond by indicating that there is no additional information to produce.
3. During the November 21, 2013, inspection, NYCDEP provided a spreadsheet with limited information on its bypasses from 2008 to the present. Please submit an electronic version of NYC's bypass database for the period January 1, 2009 to the Present (November 21, 2013) that includes all of the information (fields) that are included in its bypass reports sent to NYSDEC and EPA (See example bypass report No. 5280 attached)
4. Please submit the following:
 - a. NYC's Linear Asset Management Program as well as any information on conducting condition assessments of pipes;
 - b. Annual CSO BMP Report submitted on or about April 2013;
 - c. In addition to the Hansen Database retrieval under Paragraph 3 above, please submit the Hansen Database that also includes the confirmed sewer monitor blockages/surcharge resolution codes SMDRGR (Confirmed blockage removed due to grease), SMDBR (Confirmed Surcharge Blockage Removed), SMDDF (Confirmed Surcharge due to storm) as well as any capacity or storm related codes that cause surcharging, or other codes relevant to sewer backups;
 - d. A revised Hansen Sewer Monitoring Device Codes with the corrected SSTORN definition. (EPA received this as Attachment1 to the November 8, 2013 submittal); and,

- e. A written summary that describes when and how NYCDEP will decide whether its current Remote Sewer Monitoring Pilot Program will be expanded and/or become part of its normal operations?

ATTACHMENT

- NYCDEP August 14, 2013 Press Release (13-87)
- Bypass Report No. 5280

Enclosure 2

STATEMENT OF CERTIFICATION

I certify that the information contained in or accompanying this submission is true, accurate, and complete.

As to the identified portion(s) of this submission for which I cannot personally verify its truth and accuracy, I certify as the company official having supervisory responsibility for the person(s) who, acting under my direct instructions, made the verification, that this information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment.

By _____
(Signature)

(Print Name)

(Title)

(Date)

NYC

NYC Resources

311

Office of the Mayor

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- Harbor Water
- Long Term Control Plan

The Watershed

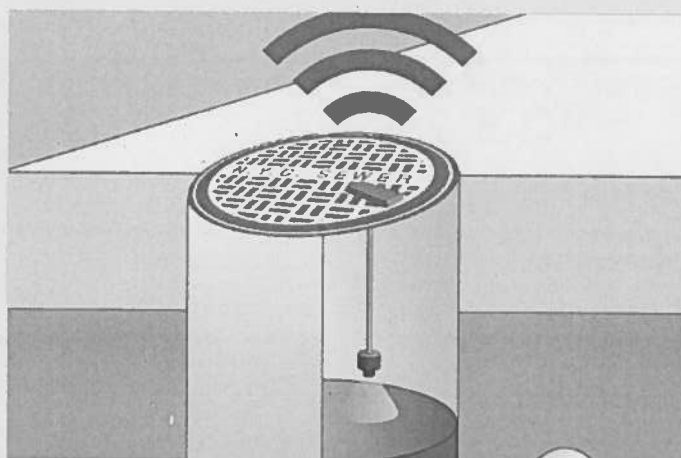
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Business and Professionals

- Forms & Permits
- Economic Development Unit
- Doing Business with DEP



FOR IMMEDIATE RELEASE 13-87

August 14, 2013

CONTACT:

Chris Gilbride / Ted Timbers (718) 595-8600

More Information

NYC Department of
Environmental
Protection
Public Affairs
69-17 Junction
Boulevard
18th Floor
Flushing, NY 11373
(718) 595-8600

Department of Environmental Protection Announces Expansion of Remote Sewer Monitoring Program

64 Remote Monitoring Sensors Will Detect Elevated Flow Levels and Send an Alert for Inspection and Preventative Maintenance;

Since the Program Began Last Year, Crews Have Responded to 129 Alerts and Prevented Several Potential Problems

New York City Department of Environmental Protection (DEP) Commissioner Carter Strickland today announced the expansion of a pilot program to remotely monitor flows inside the sewer system allowing crews to proactively respond to problems before they can result in sewage backing up into homes and businesses, or onto streets. Last year, DEP installed 21 remote sewer monitoring devices at strategic locations in Queens, Brooklyn, and Staten Island. DEP recently installed 25 additional devices throughout the city and is preparing to install another 18 for a total of 64. The remote monitoring devices are installed inside manholes and measure the elevation of wastewater in the sewer. That information is transmitted wirelessly to DEP headquarters where it is tracked and analyzed. If the elevation of the wastewater approaches a level that could result in a surcharge or sewer backup, the sensor sends an alert and crews are dispatched to investigate and, if needed, fix the problem. Since the first sewer monitoring devices were installed last year, DEP crews have successfully responded to 129 device alerts, addressing issues that could have resulted in a surcharge or sewer back-ups.

"Remote monitoring of our sewer system is a great example of how we are using technology to make smart investments and maximize the effectiveness of our resources," said Commissioner Strickland. "A cornerstone of Strategy 2011-2014, our far reaching strategic plan, is to provide the best possible service for our customers at the lowest cost, and this program helps us efficiently deploy our crews."

"These sewer monitoring devices give DEP the opportunity to identify sewer

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backups before they occur, allowing crews precious time to proactively address and monitor sewage back-ups," said Council Member James F. Gennaro (D-Fresh Meadows), chair of the Council's Committee on Environmental Protection. "The expansion of the Sewer Monitoring Program will take this technology and apply it for the benefit of even more New Yorkers as we continue the fight to reduce the number of sewer back-up events. I want to congratulate Commissioner Strickland for his commitment to provide improved service at reasonable rates for customers."

"The expansion of the successful remote sewer monitoring program is great news for our communities that must contend with unpleasant sewage back-ups and overflow situations," said Council Member Stephen Levin. I commend Commissioner Strickland and DEP for their proactive use of technology to prevent problems with the City's sewer infrastructure."

"The remote sewer monitoring system was first introduced in Southeast Queens, and I am pleased to see it will be expanded throughout the borough, and city, to help communities hampered by severe flooding," said Councilman Leroy Comrie. "This early warning system has allowed the DEP to react quickly to elevated floodwater, preventing further, and more serious, damage. This program has proven successful, and its expansion means that the city will not only be able to take a more proactive approach to addressing flooding citywide, but also be able to better plan future sewer infrastructure projects. I would like to thank Commissioner Strickland and my colleagues in government for expanding this system, and for helping communities disadvantaged with severe flooding."

DEP is also testing flow monitoring meters that are installed in the bottom of the sewers and measure flow rates. This information, which has never previously been available, will allow engineers to better understand flow rates and identify changes in flow rates that could be a sign of a blockage or some other damage to the sewer. They also facilitate more accurate modeling of the system.

The remote monitoring programs are one component of DEP's continuing effort to increase proactive maintenance of the sewer system. DEP maintains a robust GIS tool containing digital, searchable maps of all sewer lines, manholes, and other infrastructure to help identify trends and improve preventative maintenance. In 2011, these programs were combined into a single management program that identifies best practices for proactive intervention by field crews. Last year, DEP cleaned nearly 700 miles of sewers, more than double the amount cleaned five years ago.

In December 2012, DEP released its first ever annual State of the Sewers Report. The Report provides an overview of how the City's sewer system works, DEP's approach to inspection, cleaning, and repair of the system, a breakdown of the most recurrent causes of sewer blockages, a look at the new employee training facility and safety programs, how advanced analytics, software, and mapping tools are being used to target problematic areas and hydraulic modeling is guiding designs for future capital projects and citywide and borough by borough performance analytics.

Some key city-wide performance statistics from the last five years include:

- Sewer backup complaints have dropped from more than 21,600 to fewer than 13,900, a decrease of 36%.
- Confirmed sewer backups have dropped from more than 7,700 to fewer than 4,900, a decrease of 37%.
- Less than 1 percent of the city's nearly 160,000 sewer segments experienced recurring back-ups last year. Once identified, segments that experience recurring back-ups are given high priority for maintenance crews.
- Miles of sewer lines cleaned under our programs that target problematic areas has increased from over 320 miles to almost 700 miles, a 116% increase.
- Defective catch basin complaints have dropped from more than 18,000 to 12,370, a 32% decrease.

In addition to proactive monitoring and maintenance, DEP's Executive Budget includes more than \$3.7 billion in water and sewer infrastructure investments for Fiscal Years 2014 to 2023—including nearly \$2.2 billion for sewers—of which \$353.9 million will fund high-level storm sewers to mitigate combined sewer overflows and sewer backups.

DEP manages New York City's water supply, providing more than one billion

gallons of water each day to more than nine million residents, including eight million in New York City. The water is delivered from a watershed that extends more than 125 miles from the city, comprising 19 reservoirs and three controlled lakes. Approximately 7,000 miles of water mains, tunnels and aqueducts bring water to homes and businesses throughout the five boroughs, and 7,500 miles of sewer lines and 98 pump stations take wastewater to 14 in-city treatment plants. DEP has nearly 6,000 employees, including almost 1,000 in the upstate watershed. In addition, DEP has a robust capital program, with a planned \$14 billion in investments over the next 10 years that will create up to 3,000 construction-related jobs per year. This capital program is responsible for critical projects like City Water Tunnel No. 3; the Staten Island Bluebelt program, an ecologically sound and cost-effective stormwater management system; the city's Watershed Protection Program, which protects sensitive lands upstate near the city's reservoirs in order to maintain their high water quality; and the installation of more than 820,000 Automated Meter Reading devices, which will allow customers to track their daily water use, more easily manage their accounts and be alerted to potential leaks on their properties. For more information, visit nyc.gov/dep, like us on Facebook at [facebook.com/nycwater](https://www.facebook.com/nycwater), or follow us on Twitter at twitter.com/nycwater.

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**Environmental
Protection**

Carter H. Strickland, Jr.
Commissioner

Vincent Saplenza
Deputy Commissioner
Bureau of Wastewater
Treatment
vsaplenza@dep.nyc.gov

96-05 Horace Harding
Expressway
Corona, NY 11368
T: (718) 595-4908
F: (718) 595-8960

Monday, September 16, 2013

Mr. Robert Elburn, P.E.
Regional Water Engineer
New York State Department of
Environmental Conservation
Division of Water, Region 2
47-40 21st Street - 1st Floor
Long Island City, New York 11101-5407

Re: Report of Non-Compliance Event
Oakwood Beach Wastewater Treatment Plant NY 0026174
ITEM No: 5280 SPILL No: 1306171

Dear Mr. Elburn:

The following is a report of a non-compliance event in the Oakwood Beach Wastewater Treatment Plant (WWTP) drainage area.

LOCATION: Fisher Avenue and Arthur Kill Road
RECEIVING WATERBODY: Kill van Kull
EVENT TYPE: Raw Sewage Bypass

| | | |
|------------------------|------------------------|------------------------|
| START | CONFIRMATION | ENDING |
| TIME: 5:23 PM | TIME: 7:00 PM | TIME: 8:15 PM |
| DATE: 9/11/2013 | DATE: 9/11/2013 | DATE: 9/11/2013 |

AMOUNT 500 GALLONS

CAUSE OF EVENT:

On September 11, 2013 there was a sanitary sewer overflow at Fisher Avenue and Arthur Kill Road due to a debris blockage.

ACTION TAKEN TO ELIMINATE AND PREVENT RECURRENCE

To clear the blockage, operations personnel used a flusher truck.

HOW WAS INCIDENT DISCOVERED?

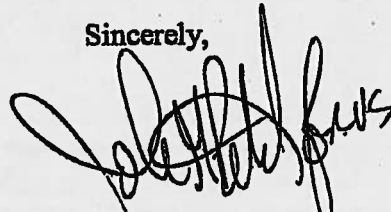
The incident was discovered via 311 notification.

REPORT TO D.E.C. (NEW YORK CITY) 9/12/2013 AT 9:00:00 AM

REPORT TO D.E.C. (ALBANY) 9/11/2013 AT 9:12:00 PM

FOR INQUIRY CONTACT: Allen Deur, Tel: (718) 595-4295

Sincerely,

A handwritten signature in black ink, appearing to read 'Vincent Sapienza', written over the word 'Sincerely,'.

Vincent Sapienza, P.E.
Deputy Commissioner

c: Douglas McKenna, Chief of Water Compliance, USEPA
Chris Boyd, Assistant Commissioner, NYCDOHMH
Philip DeGaetano, Senior Program Manager, NEIWPCC